IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DANIEL ANDREW MACGINNIS §

VS. § CIVIL ACTION NO. 1:06-CV-758

HENRY COE, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Daniel Andrew MacGinnis, a former prisoner, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Henry Coe, Allison Heider, Mark Minton, Ed Cain, and Rossl Carruth.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting plaintiff's motion to dismiss the case.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to dismiss the case is

GRANTED. A final judgment will be entered in accordance with the magistrate judge's recommendation.

So ORDERED and SIGNED this 14 day of September, 2007.

Ron Clark, United States District Judge

Pm Clark